

ESTTA Tracking number: **ESTTA267881**Filing date: **02/20/2009**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	KPMG LLP		
Entity	Limited Liability Partnership	Citizenship	Delaware
Address	757 3rd Avenue New York, NY 10017 UNITED STATES		

Attorney information	Monica B. Richman Sonnenschein Nath & Rosenthal LLP 1221 Avenue of the Americas New York, NY 10020 UNITED STATES ttab@sonnenschein.com, trademarks@sonnenschein.com, kwoatl@sonnenschein.com, mrichman@sonnenschein.com Phone:212-768-5367
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**Registration Subject to Cancellation**

Registration No	3262307	Registration date	07/10/2007
Registrant	9TH ELEMENT GROUP LLC 6215 Ferris Square Suite 210 San Diego, CA 92121 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 035. First Use: 2005/06/30 First Use In Commerce: 2005/06/30 All goods and services in the class are cancelled, namely: Providing business advice
Class 041. First Use: 2005/06/30 First Use In Commerce: 2005/06/30 All goods and services in the class are cancelled, namely: Educational and entertainment services, namely, arranging and conducting educational programs; providing courses of instruction, and online educational programs and seminars, and distributing course materials in connection therewith; providing motivational and educational speakers and personal coaching services; development and dissemination of educational materials of others; arranging and conducting local, regional, national and international educational and entertainment events, namely, conducting on-line and off-line educational and entertainment programs in the nature of leadership education seminars, arranging and conducting online, off-line and live classes, individual and small and large group instruction, seminars, lectures, educational conferences, educational teleconferences, educational conferences and workshops; providing motivational and educational speakers

**Grounds for Cancellation**

Abandonment	Trademark Act section 14
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Attachments	PetitiontoCancel9thElementGroup.PDF ( 93 pages )(1716859 bytes )
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## **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Monica B. Richman/
Name	Monica B. Richman
Date	02/20/2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In The Matter Of Trademark Registration No. 3262307

Date of Registration: July 10, 2007

Mark: 9<sup>TH</sup> ELEMENT GROUP

KPMG LLP

Petitioner,

v.

Cancellation No. \_\_\_\_\_

9<sup>TH</sup> ELEMENT GROUP LLC

Registrant.

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

**PETITION FOR CANCELLATION**

Petitioner KPMG LLP (hereinafter "Petitioner") believes that it is being and will be damaged by Registration No. 3262307, and hereby petitions to cancel the same. As grounds for its Petition for Cancellation, Petition alleges that:

1. Petitioner is a Delaware limited liability partnership having its principal place of business at 757 3<sup>rd</sup> Avenue, New York, New York 10017.
2. Petitioner owns U.S. Serial No. 77/478386 for the mark NINTH ELEMENT, filed May 19, 2008, (hereinafter "Petitioner's Application"). Petitioner's Application covers "Business risk management; Business risk management consultation; Business management consulting services in the field of data analytics, data analytics auditing and monitoring" in Class 35 and "Financial risk management; Financial risk management consultation" in Class 36 (See Exhibit A).

3. The United States Patent & Trademark Office ("USPTO") issued an Office Action on August 21, 2008, for Petitioner's Application, citing U.S. Registration No. 3262307 for the mark 9<sup>TH</sup> ELEMENT GROUP as grounds for refusal of registration of Petitioner's Application. (See **Exhibit B**).

4. Consequently, Petitioner believes that the continued existence of Registration No. 3262307 will impair its rights in Petitioner's NINTH ELEMENT trademark and Petitioner's Application.

5. Upon information and belief, 9<sup>TH</sup> Element Group LLC, (hereinafter, "Registrant") has abandoned U.S. Registration No. 3262307 (hereinafter the "Registration"). The Registration covers the following (See **Exhibit C**):

Class 35: Providing business advice.

Class 41: Educational and entertainment services, namely, arranging and conducting educational programs; providing courses of instruction, and online educational programs and seminars, and distributing course materials in connection therewith; providing motivational and educational speakers and personal coaching services; development and dissemination of educational materials of others; arranging and conducting local, regional, national and international educational and entertainment events, namely, conducting on-line and off-line educational and entertainment programs in the nature of leadership education seminars, arranging and conducting online, off-line and live classes, individual and small and large group instruction, seminars, lectures, educational conferences, educational teleconferences, educational conferences and workshops; providing motivational and educational speakers

#### **Count I:**

#### **ABANDONMENT THROUGH NON-USE OF THE 9<sup>TH</sup> ELEMENT GROUP MARK**

6. Petitioner repeats and realleges Paragraphs 1-5 as though fully stated herein.

7. Upon information and belief, according to the California Secretary of State's business records, Registrant is no longer in business as its entity status is listed as "canceled"

(See **Exhibit D**), its phone number 858-576-5767 has been disconnected, and its website www.9thelementgroup.com is inactive.

8. Upon information and belief, Registrant's business name is the same as its trademark, and Registrant appears to no longer be in business and is no longer using the mark in interstate commerce.

9. Upon information and belief, therefore, Registrant has abandoned the 9<sup>TH</sup> ELEMENT GROUP trademark.

10. Upon information and belief, Registrant has abandoned all rights it may have to the 9<sup>TH</sup> ELEMENT GROUP mark and to Registration No. 3262307, by not using the 9<sup>TH</sup> ELEMENT GROUP mark in United States commerce in connection with the services listed in the Registration.

11. Upon information and belief, Registrant is the owner of record of Registration No. 3262307 for the mark 9<sup>TH</sup> ELEMENT GROUP and no further assignment or other transfer of rights in the 9<sup>TH</sup> ELEMENT GROUP mark or in the Registration has been made to any third-party.

WHEREFORE, Petitioner KPMG LLP believes and alleges that it is being and will be damaged by the continued registration of the 9<sup>TH</sup> ELEMENT GROUP, and therefore prays that:

- a) the Petition for Cancellation herein be granted in favor of Petitioner; and
- a) Registration No. 3262307 be cancelled.

KPMG LLP hereby appoints Monica B. Richman, Kendall E. Wostl and Sonnenschein Nath & Rosenthal LLP, 1221 Avenue of the Americas, New York, NY 10020, as its

representative upon whom notices and process in proceedings affecting this proceeding may be served.

Respectfully submitted,

KPMG LLP

*Monica B. Richman*

Dated: February 20, 2009

By:

Monica B. Richman

Attorneys for KPMG LLP

Monica B. Richman

Kendall E. Wostl

SONNENSCHN NATH & ROSENTHAL LLP

1221 Avenue of the Americas

New York, New York 10020

Tel. No. 212-768-5367

Fax. No. 212-768-6700

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the foregoing PETITION FOR  
CANCELLATION to be served upon:

9<sup>TH</sup> Element Group LLC  
6215 Ferris Square, Suite 210  
San Diego, CA 92121

by placing same in an envelope, properly sealed and addressed, with postage prepaid and  
depositing same with the United States Postal Service on this 20th day of February, 2009

*Monica B. Richman*

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Monica B. Richman

Filed with the TTAB via  
ESSTA on February 20, 2009

# **EXHIBIT A**



**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2009-02-20 11:42:52 ET**

**Serial Number:** 77478386 Assignment Information Trademark Document Retrieval

**Registration Number:** (NOT AVAILABLE)

**Mark**

**NINTH ELEMENT**

**(words only):** NINTH ELEMENT

**Standard Character claim:** Yes

**Current Status:** A non-final action has been mailed. This is a letter from the examining attorney requesting additional information and/or making an initial refusal. However, no final determination as to the registrability of the mark has been made.

**Date of Status:** 2008-08-21

**Filing Date:** 2008-05-19

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 110

**Attorney Assigned:**  
CROWLEY PAUL C

**Current Location:** MIX -TMO Law Office 110 - Examining Attorney Assigned

**Date In Location:** 2008-08-21

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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1. KPMG LLP

**Address:**  
KPMG LLP  
757 3rd Avenue  
New York, NY 10017  
United States

**Legal Entity Type:** LIMITED LIABILITY PARTNERSHIP**State or Country Where Organized:** Delaware

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**GOODS AND/OR SERVICES**

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**International Class:** 035**Class Status:** Active

Business risk management; Business risk management consultation; Business management consulting services in the field of data analytics, data analytics auditing and monitoring

**Basis:** 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 036**Class Status:** Active

Financial risk management; Financial risk management consultation

**Basis:** 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-08-21 - Notification Of Non-Final Action E-Mailed

2008-08-21 - Non-final action e-mailed

2008-08-21 - Non-Final Action Written

2008-08-18 - Assigned To Examiner

2008-05-22 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

Monica B. Richman

**Correspondent**

MONICA B. RICHMAN

SONNENSCHN NATH & ROSENTHAL LLP  
P.O. BOX #061080  
WACKER DRIVE STATION, SEARS TOWER  
CHICAGO, IL 60606-1080

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# **EXHIBIT B**

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**To:** KPMG LLP ([trademarks@sonnenschein.com](mailto:trademarks@sonnenschein.com))

**Subject:** TRADEMARK APPLICATION NO. 77478386 - NINTH ELEMENT - 21604804-000

**Sent:** 8/21/2008 4:01:14 PM

**Sent As:** ECOM110@USPTO.GOV

**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)  
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**UNITED STATES PATENT AND TRADEMARK OFFICE**

SERIAL NO: 77/478386

MARK: NINTH ELEMENT

**\*77478386\***

**CORRESPONDENT ADDRESS:**

MONICA B. RICHMAN  
SONNENSCHN NATH & ROSENTHAL  
LLP

P.O. BOX #061080  
WACKER DRIVE STATION, SEARS  
TOWER

CHICAGO, IL 60606-1080

APPLICANT: KPMG LLP

**RESPOND TO THIS ACTION:**

<http://www.uspto.gov/teas/cTEASpageD.htm>

**GENERAL TRADEMARK INFORMATION:**

<http://www.uspto.gov/main/trademarks.htm>

**CORRESPONDENT'S**

**REFERENCE/DOCKET NO:**

21604804-000

**CORRESPONDENT E-MAIL ADDRESS:**

[trademarks@sonnenschein.com](mailto:trademarks@sonnenschein.com)

**OFFICE ACTION**

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

**ISSUE/MAILING DATE: 8/21/2008**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62, 2.65(a); TMEP §§711, 718.03.

**Likelihood of Confusion – Section 2(d) - Refusal**

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 3262307. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all of the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

A likelihood of confusion determination in this case involves a two-part analysis. The marks are compared for similarities in their appearance, sound, connotation and commercial impression. TMEP §§1207.01, 1207.01(b). The goods and/or services are compared to determine whether they are similar or commercially related or travel in the same trade channels. See *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002); *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336, 57 USPQ2d 1557, 1559 (Fed. Cir. 2001); TMEP §§1207.01, 1207.01(a)(vi).

#### **Facts**

Applicant proposes, "NINTH ELEMENT", for use in connection with, "business risk management; business risk management consultation; business management consulting services in the field of data analytics, data analytics auditing and monitoring," and, "financial risk management; financial risk management consultation." Registrant provides, in pertinent part, "business advice," in connection with the mark, "9<sup>th</sup> ELEMENT GROUP" with a disclaimer of the word, "group".

#### **Similarity of the Marks**

When considering the similarity of the marks for purposes of a likelihood of confusion determination, the question is not whether people will confuse the marks, but whether the marks will confuse people into believing that the goods and/or services they identify come from the same source. *In re West Point-Pepperell, Inc.*, 468 F.2d 200, 201, 175 USPQ 558, 558-59 (C.C.P.A. 1972); TMEP §1207.01(b).

For that reason, the test of likelihood of confusion is not whether the marks can be distinguished when subjected to a side-by-side comparison. The question is whether the marks create the same overall impression. See *Recot, Inc. v. M.C. Becton*, 214 F.2d 1322, 1329-30, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000); *Visual Info. Inst., Inc. v. Vicon Indus. Inc.*, 209 USPQ 179, 189 (TTAB 1980). The focus is on the recollection of the average purchaser who normally retains a general rather than specific impression of trademarks. *Chemetron Corp. v. Morris Coupling & Clamp Co.*, 203 USPQ 537, 540-41 (TTAB 1979); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106, 108 (TTAB 1975); TMEP §1207.01(b).

The mark of the applicant and the mark of the registrant both contain forms of the common terms, "ninth element," such that the marks have similarities in appearance, sound, connotation and commercial impression. The only additional matter to the marks is that the registrant's mark contains the additional word, "group".

However, the applicant has disclaimed this term as it is merely descriptive of the applicant's entity type and although a disclaimed portion of a mark certainly cannot be ignored, and the marks must be compared in their entireties, one feature of a mark may be more significant in creating a commercial impression. Consequently, disclaimed matter is typically less significant or less dominant when comparing marks. See *In re Dixie Rests. Inc.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1060, 224 USPQ 749, 752 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). This is particularly the case where, as here, the disclaimed term is an entity identifier and does not function to indicate source as to the services.

Therefore, the dominant portion of the mark of the registrant, with respect to the overall commercial impression created by the mark, are the terms, "9<sup>th</sup> ELEMENT." As those terms are similar to the mark of the applicant with respect to appearance, sound, connotation and commercial impression, there is a



likelihood of confusion as to source with regard to the marks.

### **Relatedness of the Services**

A determination of whether there is a likelihood of confusion is made solely on the basis of the goods and/or services identified in the application and registration, without limitations or restrictions that are not reflected therein. *In re Dakin's Miniatures, Inc.*, 59 USPQ2d 1593, 1595 (TTAB 1999); TMEP §1207.01(a)(iii). If the cited registration describes the goods and/or services broadly and there are no limitations as to their nature, type, channels of trade or classes of purchasers, then it is presumed that the registration encompasses all goods and/or services of the type described, that they move in all normal channels of trade, and that they are available to all potential customers. *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992); *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981); TMEP §1207.01(a)(iii).

When considering the relatedness of the goods/services of the parties for purposes of a likelihood of confusion determination, the goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. *See Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, they need only be related in some manner, or the conditions surrounding their marketing are such that they would be encountered by the same purchasers under circumstances that would give rise to the mistaken belief that the goods and/or services come from a common source. *In re Total Quality Group, Inc.*, 51 USPQ2d 1474, 1476 (TTAB 1999); TMEP §1207.01(a)(i); *see, e.g., On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086-87, 56 USPQ2d 1471, 1475-76 (Fed. Cir. 2000); *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984).

As noted in the "facts" section above, applicant proposes to provide, "business risk management; business risk management consultation; business management consulting services in the field of data analytics, data analytics auditing and monitoring," and, "financial risk management; financial risk management consultation." Registrant provides, in pertinent part, "business advice."

The "business advice" services of the registrant are a sufficiently broad and identification of services as to encompass applicant's "business management consulting services," such that those services are legally identical. As to the remainder of the applicant's services, and as evidenced by the attached third-party registrations, it is common for entities that provide business advice or consulting services to also business and financial risk management services. Attached are copies of printouts from the USPTO X-Search database, which show third-party registrations of marks used in connection with the same or similar services as those of applicant and registrant in this case. These printouts have probative value to the extent that they serve to suggest that the services listed therein, namely business advice/consulting and risk management and risk management consulting services, are of a kind that may emanate from a single source. *See In re Infinity Broad. Corp.*, 60 USPQ2d 1214, 1217-1218 (TTAB 2001); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co., Inc.*, 6 USPQ2d 1467, 1470 at n.6 (TTAB 1988).

In sum, the services of the parties are, in part, legally identical. The remainder of the applicant's services are of a type that may also be provided by single entities that provide the services of the registrant such that they would be encountered by the same purchasers under circumstances that would give rise to the mistaken belief that the services come from a common source. Because the services are,

in part, legally identical and otherwise are services of a type that may emanate from a common single source, there is a likelihood of confusion as to source with regard to the services.

### **Conclusion**

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1025 (Fed. Cir. 1988).

For the foregoing reasons, there is a likelihood of confusion as to source in relation to the marks and the goods. Because there is a likelihood of confusion as to source in relation to the marks and goods, registration is refused under Trademark Act Section 2(d), 15 U.S.C. §1052(d).

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration.

If applicant chooses to respond to the refusal to register, then applicant must also respond to the following requirement.

### **Requirements**

#### **Names and Citizenship of Partners**

Applicant must specify the names, legal entities and national citizenship (for individuals) or the U.S. state or foreign country of organization or incorporation (for businesses) of all general partners. 37 C.F.R. §2.32(a)(3)(iii); TMEP §§803.03(b), 803.04.

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney.

Paul C. Crowley  
/Paul C. Crowley/  
Trademark Attorney  
Law Office 110  
(571) 272-8846  
Fax (formal responses only) (571) 273-9110

**RESPOND TO THIS ACTION:** Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

**STATUS CHECK:** Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

**Print: Aug 20, 2008**

**78558488**

**DESIGN MARK**

**Serial Number**

78558488

**Status**

REGISTERED

**Word Mark**

9TH ELEMENT GROUP

**Standard Character Mark**

Yes

**Registration Number**

3262307

**Date Registered**

2007/07/10

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

9TH ELEMENT GROUP LLC LIMITED LIABILITY COMPANY CALIFORNIA 6215 Ferris Square Suite 210 San Diego CALIFORNIA 92121

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Providing business advice. First Use: 2005/06/30. First Use In Commerce: 2005/06/30.

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Educational and entertainment services, namely, arranging and conducting educational programs; providing courses of instruction, and online educational programs and seminars, and distributing course materials in connection therewith; providing motivational and educational speakers and personal coaching services; development and dissemination of educational materials of others; arranging and conducting local, regional, national and international educational and entertainment events, namely, conducting on-line and off-line educational and entertainment programs in the nature of leadership education seminars, arranging and conducting online, off-line and live classes, individual and small and large group instruction, seminars, lectures, educational

**Print: Aug 20, 2008**

**78558488**

conferences, educational teleconferences, educational conferences and workshops; providing motivational and educational speakers. First Use: 2005/06/30. First Use In Commerce: 2005/06/30.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GROUP" APART FROM THE MARK AS SHOWN.

**Filing Date**

2005/02/02

**Examining Attorney**

SAPPENFIELD, ANN E.

**Attorney of Record**

Joseph A. Mandour

# 9TH ELEMENT GROUP

**Print: Aug 20, 2008**

**77025582**

**DESIGN MARK**

**Serial Number**

77025582

**Status**

REGISTERED

**Word Mark**

AON

**Standard Character Mark**

Yes

**Registration Number**

3254615

**Date Registered**

2007/06/26

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Aon Corporation CORPORATION DELAWARE 8th Floor - Law Department 200 E. Randolph Street Chicago ILLINOIS 60601

**Goods/Services**

Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050.

G & S: Printed tests and manuals for selecting, screening, and evaluating potential employees; newsletters in the fields of insurance, risk management, human resources and employee benefits and compensation. First Use: 1990/01/01. First Use In Commerce: 1990/01/01.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Acquisition and merger consultation services; Advertising and marketing services, namely, promoting the services and commercial information and news of third parties through print, audio, video, digital and on-line medium; Business consultation; Business investigations, evaluations, expert appraisals, information and research; Business management consultation in the field of executive and leadership development; Business research, surveys and information in the fields of employment, recruiting, personnel management and human resources; Business

consultation services, namely computer modeling, data analysis and research in the field of patient care cost management, including hospital, nursing home, ambulatory clinic, home health care and nursing costs; Business research consultation; Forensic accounting services; Business services, namely, screening and organizing third-party vendors, suppliers, and contractors; Compilation and provision of trade and business price and statistical information; Compilation and systematization of information in databanks; Conducting business research and surveys; Consultancy services regarding business strategies; Consultation services in the field of company, business sector and industry data and research; Consulting services in the field of human resources development and employee health, namely for the promotion of employee retention, career growth, and increased productivity for employees and employers; Employment verification; Human capital management outsourcing services; Human resources consultation; Human resources management; Professional business consulting services in the field of executive compensation and reward strategies; Tax consulting services in the fields of pension, compensation, wealth management, tax, insurance, investment and retirement; Economic forecasting and assessment; Cost containment in the field of insurance; Cost management for the health benefit plans of others; Data compiling and analyzing in the field of insurance; Disaster recovery services, namely, business planning and business continuity consulting; Information and data compiling and analyzing relating to business management; Information in business matters; Information relating to estimation and analysis of property damage and loss due to natural and man-made hazards; Insurance lead collection and matching services, namely, matching requests for insurance policy quotes collected over the internet to pre-qualified insurance brokers, agents and agencies interested in those requests; Market analysis and research; Business consultation services relating to the management of the effects of catastrophes, namely natural disaster, weather, hurricane, flood, earthquake, health and epidemic, terrorism and man made disasters; Preparing business reports for others; Professional business consultation; Referrals in the field of insurance; Testing to determine job and professional competency; Tracking and monitoring insurance compliance; Work analysis to determine worker skill sets and other worker requirements. First Use: 1997/06/01. First Use In Commerce: 1997/06/01.

**Goods/Services**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Advice relating to investments; Actuarial services and consultation; Bonding services Claims adjustment in the field of insurance; Credit risk management; Electronic processing of insurance claims and payment data; Financial analysis and consultation; Financial evaluation for insurance purposes; Financial guarantee and surety; Financial risk management; Insurance premium financing; Insurance administration; Insurance agencies; Insurance brokerage, administration and risk management in various fields, namely-- life, property, casualty, executive and personal liability, errors and omissions, mergers and



acquisitions, cargo, medical and legal malpractice, professional liability, sporting events, television, radio and movie production, promotional events, personal performance guarantees, transportation, truck, rail, marine, airline, aircraft, airport and general aviation, government and civil authority, aerospace and satellite, airport operations, trade credit, political risk, extortion, libel and slander, defamation, crisis, commercial real estate employment practices, kidnap and ransom (K and R), directors and officers, fiduciary, crime, agricultural and food supply, including malicious contamination, product recall, reputation and brand name damage, product liability, environment, catastrophe, terrorism, business interruption, contractors' all risks (CAR), global technology and communications, copyright infringement, piracy, plagiarism, misappropriation or comparative advertising; Insurance carrier services; Insurance claims administration; Insurance claims processing; Insurance consultation; Insurance premium rate computing; Insurance services, namely, underwriting extended warranty contracts in the field of auto, home, utility, appliances and electronics; Insurance services, namely, underwriting, issuing and administration of life insurance; Insurance underwriting consultation; Life insurance brokerage; Risk management; Risk management consultation; Risk management consultation services featuring design and implementation of enterprise risk management (ERM) procedures; Surety services; Warranty claims administration services, namely, processing warranty claims for auto, home, appliance and electronics; Employee benefit plan consultation; Pharmacy and medical benefit management services; Administration of employee leave benefit programs pertaining to the Family Medical Leave Act; Financial forecasting services. First Use: 1987/03/16. First Use In Commerce: 1987/03/16.

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Arranging and conducting educational conferences, seminars and training in the field of recruitment, employment, personnel management and human resources; conducting training in the field of workmen's compensation programs, in the field of management techniques, in the field of sales and personal motivation, and in the field of job performance. First Use: 1995/02/01. First Use In Commerce: 1995/02/01.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Expert witness services; evidence recovery services, namely obtaining information from digital and computer sources for use in litigation; information technology security consulting; Reviewing standards and practices to assure compliance with regulatory laws; providing regulatory compliance assessments; Providing temporary use of online non-downloadable software in the fields of financial planning, risk management, benefits, retirement, deferred compensation and pension plans; providing temporary use of online non-downloadable software in the fields of employee and managerial/executive skill assessment; Legal document management and research services for attorneys. First

**Print: Aug 20, 2008**

**77025582**

Use: 1995/03/01. First Use In Commerce: 1995/03/01.

**Goods/Services**

Class Status -- ACTIVE. IC 045. US 100 101. G & S: Pre-employment background investigation services; Detective investigation services; Insurance claim investigation services. First Use: 2006/02/01. First Use In Commerce: 2006/02/01.

**Prior Registration(s)**

1496123;2518221;2726826

**Filing Date**

2006/10/20

**Examining Attorney**

BUCHANAN WILL, NORA

**Attorney of Record**

Jill Anderfuren

AON

**Print: Aug 20, 2008**

**77085390**

**DESIGN MARK**

**Serial Number**

77085390

**Status**

REGISTERED

**Word Mark**

PEREGRINE

**Standard Character Mark**

Yes

**Registration Number**

3416833

**Date Registered**

2008/04/29

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Peregrine Management LLC LIMITED LIABILITY COMPANY OKLAHOMA 3022  
Marble Falls Drive Pearland TEXAS 77584

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business management, consulting, and advisory services, namely, managing logistics, reverse logistics, supply chain services, supply chain visibility and synchronization, supply and demand forecasting and product distribution processes for others, assistance, advisory services and consultancy with regard to business program planning, business program cost analysis, business program personnel and equipment management, business marketing and leadership development consulting services, business project and program management services for others, namely, assistance with development of win strategies and proposals, development of management projects, project management services for others in the fields of language translation, procurement, namely, purchasing of transportation, security, housing and dining services. First Use: 2005/02/28. First Use In Commerce: 2005/02/28.

**Goods/Services**

**Print: Aug 20, 2008**

**77085390**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Financial planning, management and consultation services, namely, providing financial analysis support to banks and financial investment groups, financial risk management services; facilitation of financing for the projects of others, office real estate procurement. First Use: 2005/02/28. First Use In Commerce: 2005/02/28.

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Educational services, namely, conducting training in the form of seminars, briefings, and presentations in the field of business, namely, ISO developments, sales and marketing proposal development, business enterprise systems, and technology application; arrangement of meeting for others. First Use: 2005/02/28. First Use In Commerce: 2005/02/28.

**Filing Date**

2007/01/18

**Examining Attorney**

TURNER, JASON

**Attorney of Record**

Jonathan Pierce

PEREGRINE

**Print: Aug 20, 2008**

**77141879**

**DESIGN MARK**

**Serial Number**

77141879

**Status**

REGISTERED

**Word Mark**

MORTGAGE CAPITAL MANAGEMENT

**Standard Character Mark**

Yes

**Registration Number**

3429638

**Date Registered**

2008/05/20

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Mortgage Capital Management, Inc. CORPORATION DELAWARE 4141 Jutland Drive, Suite 201 San Diego CALIFORNIA 92117

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business advice and analysis of markets; Market analysis; Marketing consulting. First Use: 1994/04/01. First Use In Commerce: 1994/04/01.

**Goods/Services**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Providing stock/securities market information; Financial management; Financial portfolio management; Financial risk management; Investment management; Management of a capital investment fund; Risk management; Risk management consultation. First Use: 1994/04/01. First Use In Commerce: 1994/04/01.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MANAGEMENT" APART FROM THE MARK AS SHOWN.

**Section 2f Statement**

**Print: Aug 20, 2008**

**77141879**

As to "MORTGAGE CAPITAL MANAGEMENT"

**Filing Date**

2007/03/27

**Examining Attorney**

KING, LINDA

**Attorney of Record**

Nicole R. Schwarz, Esq.



# Mortgage Capital Management

**Print: Aug 20, 2008**

**77207153**

**DESIGN MARK**

**Serial Number**

77207153

**Status**

REGISTERED

**Word Mark**

NAVIGANT CONSULTING

**Standard Character Mark**

Yes

**Registration Number**

3456794

**Date Registered**

2008/07/01

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Navigant International, Inc. CORPORATION DELAWARE 701 Carlson Parkway  
Minnetonka MINNESOTA 55305

**Goods/Services**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Financial management services; financial forecasting services; financial valuation of personal property and real estate; financial portfolio management; insurance claims processing; financial risk management; providing asset management strategy; consulting services for healthcare providers, healthcare professional groups and healthcare payors, namely, assisting these organizations in improving their financial performance; insurance services, namely, claim administration and valuation; insurance coverage analysis; asset allocation analysis; repair cost evaluation and allocation; insurance rate computing services and consulting in regard to the foregoing. First Use: 1999/06/14. First Use In Commerce: 1999/06/14.

**Goods/Services**

Class Status -- ACTIVE. IC 045. US 100 101. G & S: Investigation services related to insurance claims; reviewing standards and practices to assure compliance with environmental laws and

regulations; litigation support services; litigation support services in the field of bankruptcy claims; litigation support services in the field of litigation claims; expert witness services in the fields of antitrust, bankruptcy, commercial litigation, intellectual property, construction claims, insurance claims and environmental matters; expert reports and testimony in the field of damages, claims and asset valuations; alternative dispute resolution. First Use: 1999/06/14. First Use In Commerce: 1999/06/14.

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Computer programs for use in the analysis, collecting, processing, administrating and auditing of date, information, methods, procedures, events and performance in the power generation industry; and instructional manuals and operating instructions packaged as a unit herewith; Computer programs for use in database management, namely, data warehousing, data evaluation, data processing, data analyzing, data charting, data scoring, data characterizing, and data monitoring in the field of research and development management. First Use: 2005/08/04. First Use In Commerce: 2005/08/04.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business consulting services; business management consulting services; business marketing consulting services; conducting marketing studies and market analysis; conducting business and market research surveys; business research, namely, conducting focus group studies; business acquisitions and merger consultation; economic forecasting and analysis; business management transition consulting services; business management consulting in the area of information technology; business management consulting in the area of governmental regulatory compliance; consulting services in the field of healthcare management, namely, consulting services in the cost and payment management of health care; business consulting services in the field of research and development, science and technology, and educational programs and portfolios; consulting services in the fields of energy efficiency, energy use management and energy resource management; business organization reengineering services, namely, consultation for redesigning of a business process through the use of information technology; business management consulting services in the area of distributors and distribution chains and channels of trade; business management consultation, namely, consulting for businesses who have experienced discontinuations or interruptions in top level management; and business management consulting in the area of intensive commercial transactions in a wide range of industries; consulting services for healthcare providers, healthcare professional groups and healthcare payors, namely, assisting these organizations in improving their operational and strategic performance. First Use: 1999/06/14. First Use In Commerce: 1999/06/14.

**Prior Registration(s)**

**Print: Aug 20, 2008**

**77207153**

2714796

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CONSULTING" APART FROM THE MARK AS SHOWN.

**Filing Date**

2007/06/15

**Examining Attorney**

CATALDO, CAROLYN

**Attorney of Record**

Kristine M. Miller

# NAVIGANT CONSULTING

**Print: Aug 20, 2008**

**77350086**

**DESIGN MARK**

**Serial Number**

77350086

**Status**

REGISTERED

**Word Mark**

A

**Standard Character Mark**

No

**Registration Number**

3475760

**Date Registered**

2008/07/29

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

Abraxas Corporation CORPORATION VIRGINIA 6845 Elm Street, Suite 310  
McLean VIRGINIA 22101

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Consulting services regarding business strategies, market intelligence services, namely, market research and analysis services; political consultancy services, namely, assessing political climates; economic forecasting and analysis; business risk management services. First Use: 2002/03/01. First Use In Commerce: 2003/03/01.

**Goods/Services**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Financial domestic and international due diligence services; financial risk management services. First Use: 2002/03/01. First Use In Commerce: 2003/03/01.

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Training services in the field of deception detection, information elicitation and interviewing strategies; conducting workshops and seminars in the

**Print: Aug 20, 2008**

**77350086**

field of overseas security awareness. First Use: 2002/03/01. First Use In Commerce: 2003/03/01.

**Goods/Services**

Class Status -- ACTIVE. IC 045. US 100 101. G & S: Consulting services in the field of national security. First Use: 2002/03/01. First Use In Commerce: 2003/03/01.

**Description of Mark**

The mark consists of a gray "A" in OrigGarmond BT font with a partial blue background.

**Colors Claimed**

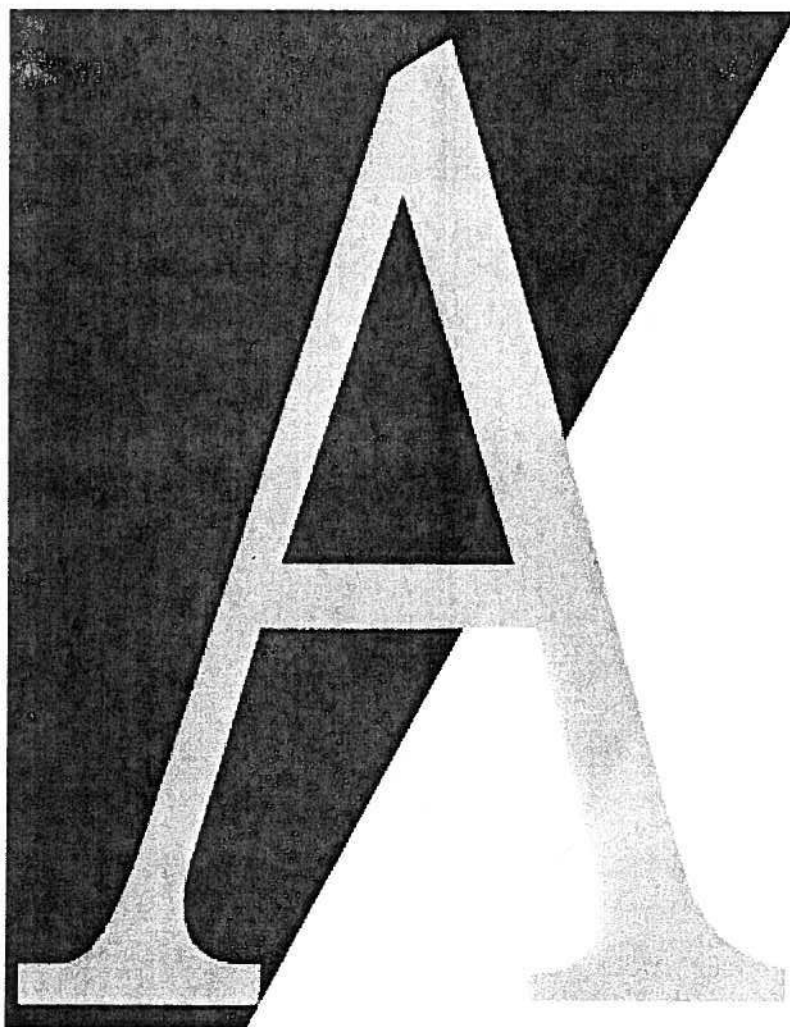
The color(s) gray (PMS 877) and blue (PMS 288) is/are claimed as a feature of the mark.

**Filing Date**

2007/12/12

**Examining Attorney**

DELANEY, ZHALEH





**Print: Aug 20, 2008**

**77371222**

**DESIGN MARK**

**Serial Number**

77371222

**Status**

REGISTERED

**Word Mark**

OPRISK ASSOCIATES, LLC

**Standard Character Mark**

Yes

**Registration Number**

3488054

**Date Registered**

2008/08/19

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

OpRisk Associates, LLC LIMITED LIABILITY COMPANY VIRGINIA P.O. Box 372  
Great Falls VIRGINIA 22066

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: business management consulting; consulting services in the area of sustainable business solutions; business risk management consultation; business consultation services, namely, assessing, optimizing, measuring and monitoring business performance, investments, value, and risk analysis; business consultation services, relating to the identification, assessment, measurement and management of business operation risks. First Use: 2007/04/15. First Use In Commerce: 2007/04/15.

**Goods/Services**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Consultation services, relating to the identification, assessment, measurement and management of financial risks management for businesses. First Use: 2007/04/15. First Use In Commerce: 2007/04/15.

**Print: Aug 20, 2008**

**77371222**

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Consultation services, relating to the identification, assessment, measurement and management of technology information-related risks for businesses. First Use: 2007/04/15. First Use In Commerce: 2007/04/15.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ASSOCIATES, LLC" APART FROM THE MARK AS SHOWN.

**Filing Date**

2008/01/14

**Examining Attorney**

AYALA, LOURDES

**Attorney of Record**

William C. Schrot

**OPRISK ASSOCIATES, LLC**

**Print: Aug 20, 2008**

**78073904**

**DESIGN MARK**

**Serial Number**

78073904

**Status**

REGISTERED

**Word Mark**

TSG

**Standard Character Mark**

No

**Registration Number**

2833010

**Date Registered**

2004/04/13

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

Structure Consulting Group LLC DBA The Structure Group LIMITED  
LIABILITY COMPANY CALIFORNIA 98 Main Street, Suite 300 Tiburon  
CALIFORNIA 94920

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business consulting services for the utility, power and energy industry, namely, providing information technology and business process solutions in the areas of market infrastructure design, development and operations, trading and risk management, asset bidding and portfolio management, forecasting, scheduling and energy management, market settlements, settlement verification and dispute management, application implementation and enterprise architecture integration. First Use: 2001/08/21. First Use In Commerce: 2001/08/21.

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Computer software for integrating and interfacing computerized power trading, financial, billing and energy management systems with market, system and regional transmission operators, namely, software for operations management, bid management, market communications,

**Print: Aug 20, 2008**

**78073904**

settlement validation, system administration, and physical market  
datastore for use in the utility, power and energy industry. First  
Use: 2001/08/21. First Use In Commerce: 2001/08/21.

**Filing Date**

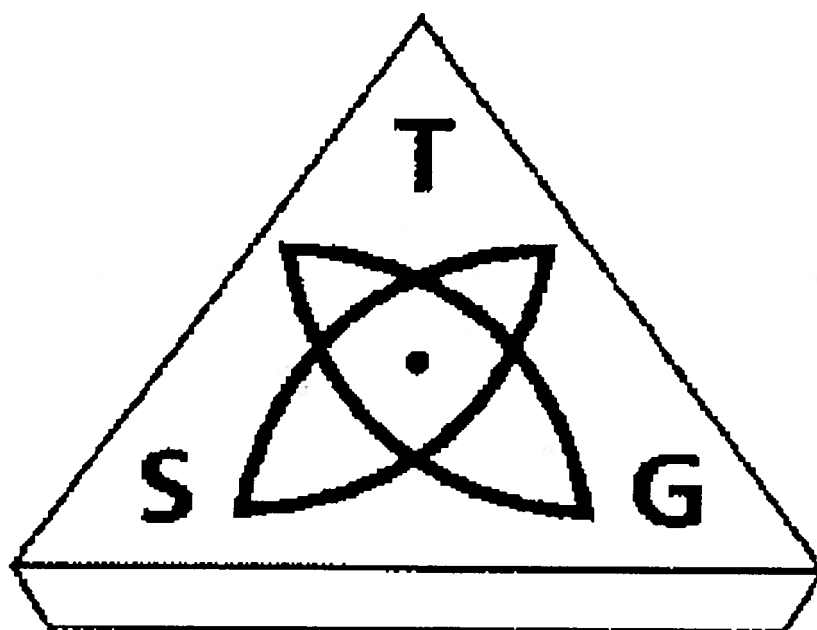
2001/07/13

**Examining Attorney**

OSBORNE, STANLEY I.

**Attorney of Record**

James P. Martin



**Print: Aug 20, 2008**

**78188217**

**TYPED DRAWING**

**Serial Number**

78188217

**Status**

REGISTERED

**Word Mark**

PRYM

**Standard Character Mark**

No

**Registration Number**

3119035

**Date Registered**

2006/07/25

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

Nexant, Inc. CORPORATION DELAWARE 101 Second Street, 11th Floor San Francisco CALIFORNIA 941053672

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business information and consulting services, namely, providing business consulting services and commercial information to the energy industry for energy trading and risk management. First Use: 2001/11/00. First Use In Commerce: 2001/11/00.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer services, namely computer programming for others in the field of energy trading and risk management. First Use: 2001/11/00. First Use In Commerce: 2001/11/00.

**Filing Date**

2002/11/22

**Examining Attorney**

BRACEY, KAREN

**Print: Aug 20, 2008**

**78188217**

**Attorney of Record**

John A. Hughes, Esq.



**Print: Aug 20, 2008**

**78263436**

**TYPED DRAWING**

**Serial Number**

78263436

**Status**

REGISTERED

**Word Mark**

ARIADNE

**Standard Character Mark**

No

**Registration Number**

3406444

**Date Registered**

2008/04/01

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

Meyer, Julie INDIVIDUAL UNITED STATES Ariadne Capital 28 Queen Street  
London UNITED KINGDOM EC4R 1BB

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: business management assistance; business management services; arranging and conducting business introductions; non-financial business sponsorship services, namely, promoting the goods and services of others by arranging for sponsors to affiliate their goods and services with other businesses; business management consultancy services; business research services; business management consultancy services; market research services; publication of publicity texts; organization of business trade shows; business advice and consultancy services; personnel services, namely, recruitment services; executive search services, personnel management services; marketing services, namely, analyzing marketing data, providing advise on marketing strategy, and providing business marketing information; organization of business trade fairs; consultation in the field of mergers and acquisitions; business consolidation consulting services relating to business partnerships, mergers and acquisitions; arranging and conducting business conferences. First Use: 2003/04/00. First Use In Commerce:

**Print: Aug 20, 2008**

**78263436**

2003/04/00.

**Goods/Services**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: providing financial consultation and advisory services relating to aspects of mergers and acquisitions; financial services in the field of business investment, equities, bonds, futures and options; venture capital services, namely, providing financing to emerging and start-up companies; portfolio management services; corporate finance services; financial risk assessment and financial risk management services; funds investment and consultation. First Use: 2003/04/00. First Use In Commerce: 2003/04/00.

**Filing Date**

2003/06/17

**Examining Attorney**

MCMORROW, JANICE L.

**Attorney of Record**

Scott B. Schwartz

**Print: Aug 20, 2008**

**78362562**

**DESIGN MARK**

**Serial Number**

78362562

**Status**

REGISTERED

**Word Mark**

BAKER TILLY

**Standard Character Mark**

No

**Registration Number**

3072763

**Date Registered**

2006/03/28

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

Arrandco Investments Limited COMPANY UNITED KINGDOM 2 Bloomsbury  
Street London UNITED KINGDOM WC1B 3ST

**Goods/Services**

Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050.  
G & S: Printed matter, namely pamphlets, newsletters, directories and reports and publications namely, books, magazines and manuals in the field of financial matters, investment, business, insurance, auditing, taxation, corporate recovery and accountancy matters, accounting, pensions, insolvency, real estate, property, assets, funds, trusts, mortgages, legal matters, litigation, expert witnesses, information technology, computer software design and programming, company formation, administration and receivership.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Chartered accountancy business services; business management consultancy; business and corporate insolvency auditing, accountancy, accounting; preparation of accounts, namely, accounts receivable services and administration, billing and reconciliation of accounts on behalf of others; business accounts management; business advice relating to

accountancy; preparation and maintenance of computerized accounting; management accounting; preparation of statements of accounts, namely, accounts receivable services, billing services, financial statement preparation for businesses; provision of information relating to accounts; provision of reports relating to accounting information; school fee accounting services and school fee costs accounting services; compilation and provision of commercial and business information and advice; tax advice and assessments; preparation of tax assessments; taxation advice, planning and consultancy; bookkeeping, business and corporate insolvency services, namely consultancy services relating to business and corporate insolvency; business management advisory services; research and information services relating to accountancy; professional advice relating to audit, accountancy, value added tax, personal and corporate taxation and corporate finance and corporate recovery; management consultancy relating to business; preparation of reports relating to all the aforesaid services; secretarial services; provision of initial company secretarial services on company formation; payroll advisory services; company secretarial services; payroll processing services; personnel recruitment services; recruitment and human resources services for others; strategic business consultancy, provision of nominee company directors, provision of non-executive company directors; inheritance tax advice; preparation of reports relating to commercial business, accounting, accountancy, auditing and taxation; taxation advice and planning; forensic accounting services; preparation of reports for others relating to taxation for individuals, businesses, and corporations; preparation of business reports for others relating to corporate recovery.

### Goods/Services

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Providing independent financial advice; financial planning, management, consultancy and administration; financial brokerage, namely, commodities, mutual funds, securities and stock brokerage; insurance brokering; commercial brokering, namely, business brokerage; business and personal insurance brokering services; financial analysis; investment advice and planning; pensions advice and planning; actuarial services; insurance consultancy; insurance brokerage; provision of insurance and financial information; management consultancy relating to insurance; financial services relating to business insolvency and personal insolvency, namely financial consultancy services relating to business and personal insolvency; management of property; real estate management; financial risk management; asset management, namely, financial investment asset management; mutual fund establishment; investment management and investment strategies consultation; investment advice; fund investment; fund management; consultation and management relating to investment trusts and unit trusts; financing of loans; lending on mortgages; consultation services relating to residential and commercial mortgages; provision of advice relating to pensions, investments, insurance, life insurance, school fees schemes and

mortgages; compilation and provision of financial information and analysis for business purposes by telephone, computer electronic mail, electronic means and by means of printed matter and periodical publications; provision of real estate and financial trustee services and real estate and financial executorships services; information and advisory services, all relating to the aforesaid services; providing databases featuring financial information; preparation of reports for others relating to financial matters, pensions, insurance, insolvency, real estate, property, assets, funds, trusts, investments and mortgages; providing databases featuring financial information.

**Goods/Services**

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Transmission of data by electronic means, all relating to financial, investment, insurance, auditing, taxation, corporate recovery and accountancy matters.

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Training services, namely, providing courses and training relating to financial, investment, insurance, auditing, taxation, corporate recovery and accountancy matters; business training consultancy services.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Legal services; computer software design and programming services; preparation of reports relating to legal matters, litigation, expert witnesses, information technology, computer software design and programming, company formation, administration and receivership; legal services namely, company formation services; litigation advice; litigation support services; expert witness services; consultancy services relating to computer information technology; legal services relating to administration and receivership.

**Foreign Country Name**

UNITED KINGDOM

**Foreign Registration Number**

2262442

**Foreign Registration Date**

2001/10/05

**Foreign Expiration Date**

2011/02/23

**Filing Date**

2004/02/04

**Examining Attorney**

**Print: Aug 20, 2008**

**78362562**

CRAWFORD, MARY

**Attorney of Record**  
Cynthia C. Weber



**BAKER TILLY**

**Print: Aug 20, 2008**

**78428139**

**DESIGN MARK**

**Serial Number**

78428139

**Status**

REGISTERED

**Word Mark**

LOTSOLUTIONS

**Standard Character Mark**

Yes

**Registration Number**

2983279

**Date Registered**

2005/08/09

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Life of the South Service Company CORPORATION GEORGIA 100 West Bay  
Street Jacksonville FLORIDA 32202

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business consulting services relating to customer service, financial management, management information, regulatory compliance, product development, product pricing, risk management, conversion, reinsurance, financial reporting, call centers, data warehousing, systems interfacing and training; administration of billing, accounts, customer service, financial reporting, regulatory compliance, and data warehousing for others. First Use: 2000/03/01. First Use In Commerce: 2000/03/01.

**Goods/Services**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Administration of insurance, reinsurance, loans, annuities, and securities for others. First Use: 2000/03/01. First Use In Commerce: 2000/03/01.

**Filing Date**



**Print: Aug 20, 2008**

**78428139**

2004/06/01

**Examining Attorney**  
FELDMAN, DAWN

**Attorney of Record**  
Mark J. Young

# LOTSOLUTIONS

**Print: Aug 20, 2008**

**78667375**

**DESIGN MARK**

**Serial Number**

78667375

**Status**

REGISTERED

**Word Mark**

VIRCHOW KRAUSE & COMPANY

**Standard Character Mark**

Yes

**Registration Number**

3212370

**Date Registered**

2007/02/27

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Virchow, Krause & Company, LLP LIMITED LIABILITY PARTNERSHIP WISCONSIN  
Ten Terrace Ct. PO Box 7398 Madison WISCONSIN 537077398

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: ACCOUNTING SERVICES, NAMELY, ASSURANCE SERVICES; BUSINESS AND TAX CONSULTING AND ADVISORY SERVICES; MERGER, ACQUISITION AND DIVESTITURE CONSULTING AND ADVISORY SERVICES; BUSINESS MANAGEMENT AND BUSINESS CONSULTING AND ADVISORY SERVICES; INSURANCE AND RISK MANAGEMENT CONSULTING AND ADVISORY SERVICES; TAX PREPARATION AND MARKET RESEARCH SERVICES.  
First Use: 1953/12/31. First Use In Commerce: 1953/12/31.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: DISPUTE RESOLUTION SERVICES; INFORMATION SYSTEMS AND TECHNOLOGY CONSULTING SERVICES. First Use: 1953/12/31. First Use In Commerce: 1953/12/31.

**Goods/Services**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: BUSINESS VALUATION SERVICES; INVESTMENT BANKING SERVICES; FINANCIAL PLANNING AND CONSULTATION SERVICES. First Use: 1953/12/31. First Use In

**Print: Aug 20, 2008**

**78667375**

Commerce: 1953/12/31.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "& Company" APART FROM THE MARK AS SHOWN.

**Name/Portrait Statement**

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

**Filing Date**

2005/07/11

**Examining Attorney**

LAMOTHE, LESLEY

**Attorney of Record**

Robert V. Petershack

VIRCHOW KRAUSE & COMPANY

**Print: Aug 20, 2008**

**78733125**

**DESIGN MARK**

**Serial Number**

78733125

**Status**

REGISTERED

**Word Mark**

MISTAKES MATTER

**Standard Character Mark**

Yes

**Registration Number**

3382981

**Date Registered**

2008/02/12

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Bentley Consulting, LLC LIMITED LIABILITY COMPANY ALABAMA 1304  
Cedarwood Place, SW Decatur ALABAMA 35603

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business consulting and management services in the areas of workplace safety, safety engineering, safety design, risk assessment, safety productivity planning and safety loss control and analysis; business and employment counseling in the area of safety; management and business consulting services in the fields of the safety needs of commercial and industrial companies, safety training and safety education, safety incentive and awareness programs, industrial hygiene, and safety regulatory compliance; business management consultation in the field of behavioral management regarding safety issues, risk assessment, and accident avoidance and prevention; business consulting, namely, general business and workplace consulting; business organizational consulting, in the fields of leadership, performance management, strategic planning, organizational behavior and culture, and assurance. First Use: 2007/02/26. First Use In Commerce: 2007/02/26.

**Print: Aug 20, 2008**

**78733125**

**Filing Date**

2005/10/14

**Examining Attorney**

KON, ELISSA GARBER

**Attorney of Record**

Frank M. Caprio

# MISTAKES MATTER



**Print: Aug 20, 2008**

**78740640**

**DESIGN MARK**

**Serial Number**

78740640

**Status**

REGISTERED

**Registration Number**

3449449

**Date Registered**

2008/06/17

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(2) DESIGN ONLY

**Owner**

Baldwin Aviation, Inc. CORPORATION SOUTH CAROLINA Suite 300 9 Sailwing Lane Hilton Head Island SOUTH CAROLINA 29926

**Goods/Services**

Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050.

G & S: Safety and operational manuals and printed guidelines in the field of aviation. First Use: 2005/05/01. First Use In Commerce: 2005/05/01.

**Goods/Services**

Class Status -- ACTIVE. IC 045. US 100 101. G & S: Safety consultancy services and safety assessment in the field of aviation. First Use: 2005/05/01. First Use In Commerce: 2005/05/01.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business management, consulting and advisory services in the field of aviation, namely, managing and coordinating third party aviation services between aviation service providers in the aviation industry; business consultancy services relating to risk assessment and risk management in the field of aviation. First Use: 2005/05/01. First Use In Commerce: 2005/05/01.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

**Print: Aug 20, 2008**

**78740640**

2005/10/26

**Examining Attorney**  
GUTTADAURO, JULIE

**Attorney of Record**  
Douglas W. Kim



**Print: Aug 20, 2008**

**78806078**

**DESIGN MARK**

**Serial Number**

78806078

**Status**

REGISTERED

**Word Mark**

JUMP

**Standard Character Mark**

Yes

**Registration Number**

3205549

**Date Registered**

2007/02/06

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Jump Pty Ltd CORPORATION AUSTRALIA 54 Grosvenor Street Woollahra  
AUSTRALIA 2025

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Provision of cultural, entertainment, educational, and instructional services and information, namely organizing and providing content for meetings, seminars and conferences, including online and via the Internet, to aid learning in the fields of planning, sales, marketing, business development, project management, risk management, leadership, teamwork, partnering, public speaking and motivation; producing and delivering motivational and inspirational presentations, including multi-media and motion-picture presentations and speeches; publishing of electronic publications and web magazines. First Use: 1993/00/00. First Use In Commerce: 2005/01/07.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Marketing, advertising and promotional services, including the provision of those services online via the Internet or other computer network; providing business services, namely consultation, information and advice,

**Print: Aug 20, 2008**

**78806078**

including in the field of planning, sales, marketing, business development, project management, risk management, leadership, teamwork, partnering, public speaking, and motivation; promoting the goods and services of others by placing advertisements and hyperlinks in searchable online guides, information directories, and web sites, being media accessible via the Internet or other computer network or telecommunications apparatus, and providing such media for such promotion being advertising services. First Use: 1993/00/00. First Use In Commerce: 2005/01/07.

**Filing Date**

2006/02/03

**Examining Attorney**

NEVILLE, BRIAN

Jump

**Print: Aug 20, 2008**

**78815515**

**DESIGN MARK**

**Serial Number**

78815515

**Status**

REGISTERED

**Word Mark**

EXCELLESSURE

**Standard Character Mark**

Yes

**Registration Number**

3433028

**Date Registered**

2008/05/20

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Becker, Marc S. INDIVIDUAL UNITED STATES 6001 St. Thomas Drive Durham  
NORTH CAROLINA 27705

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business services, namely, tax consultation, preparation, and advisory services; tax and taxation planning, advice, information and consultancy services; business consulting, advisory and information services; business management consulting, advisory, and information services; business organization consulting, advisory, and information services; providing referrals for professional and business-related services, namely, lawyers, accountants, bankers, and property and casualty insurance and benefits advisors; financial statement preparation and analysis for businesses and individuals; promotion of financial and insurance services on behalf of third parties. First Use: 2006/04/01. First Use In Commerce: 2006/04/01.

**Goods/Services**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: Insurance and financial services, namely, financial, credit, and insurance analysis, consultation, and advice; financial management and planning;

financial planning consultation; financial portfolio management; financial research; financial risk assessment and management; insurance consultation services; insurance brokerage services; insurance services, namely, writing insurance policies in the fields of life, long-term care, disability, and Medicare supplemental insurance; insurance administration; insurance premium rate calculation; insurance actuarial services; insurance consultation in the nature of insurance comparison services; investment services, namely, investment advisory, consultation, brokerage, management, and development services; asset acquisition services; providing information in the field of insurance matters; trust services, namely, investment and trust company services. First Use: 2006/04/01. First Use In Commerce: 2006/04/01.

**Filing Date**

2006/02/15

**Examining Attorney**

LAVACHE, LINDA

**Attorney of Record**

Vaddrick Q. Parker, Esq.



EXCELLESSURE

**Print: Aug 20, 2008**

**78860291**

**DESIGN MARK**

**Serial Number**

78860291

**Status**

REGISTERED

**Word Mark**

ETHISPHERE

**Standard Character Mark**

Yes

**Registration Number**

3302069

**Date Registered**

2007/10/02

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

ETHISPHERE LLC LIMITED LIABILITY COMPANY DELAWARE 2020 N. CENTRAL AVENUE, SUITE 1050 PHOENIX ARIZONA 85004

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business consulting services in the field of business ethics and compliance, including research in the field of business conduct, ethics and compliance, preparing benchmarking reports in the field of codes of business conduct, conducting surveys of corporations and corporate employees in the fields of business conduct, ethics and compliance, and business ethics risk assessment services focused in the areas of corporate compliance with applicable laws and business ethics; providing information in the fields of business ethics. First Use: 2006/03/01. First Use In Commerce: 2006/03/01.

**Filing Date**

2006/04/12

**Examining Attorney**

BELENKER, ESTHER

ETHISPHERE

**Print: Aug 20, 2008**

**78899584**

**DESIGN MARK**

**Serial Number**

78899584

**Status**

REGISTERED

**Word Mark**

CRYSTAL COMPASS

**Standard Character Mark**

No

**Registration Number**

3297810

**Date Registered**

2007/09/25

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

CRYSTAL COMPASS CONSULTING, LLC LIMITED LIABILITY COMPANY CALIFORNIA  
324 South Abbott Avenue MILPITAS CALIFORNIA 95035

**Goods/Services**

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: FINANCIAL ANALYSIS AND CONSULTATION; FINANCIAL CONSULTATION; FINANCIAL DUE DILIGENCE; FINANCIAL RISK MANAGEMENT; FINANCIAL MANAGEMENT. First Use: 2003/03/05. First Use In Commerce: 2003/03/05.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: ACCOUNTING SERVICES; BOOKKEEPING; TAX CONSULTATION; TAX AND TAXATION PLANNING, ADVICE, INFORMATION AND CONSULTANCY SERVICES; TAX PREPARATION; INCOME TAX CONSULTATION; BUSINESS MANAGEMENT CONSULTING AND ADVISORY SERVICES; FINANCIAL RECORDS MANAGEMENT; FINANCIAL STATEMENT PREPARATION AND ANALYSIS FOR BUSINESSES. First Use: 2003/03/05. First Use In Commerce: 2003/03/05.

**Description of Mark**

The mark consists of A CRYSTAL SURROUNDED BY A COMPASS OUTLINE ABOVE THE STYLIZED WORDS CRYSTAL COMPASS.

**Print: Aug 20, 2008**

**78899584**

**Colors Claimed**

The color(s) BLACK, WHITE AND GRAY is/are claimed as a feature of the mark.

**Part of Mark in Color**

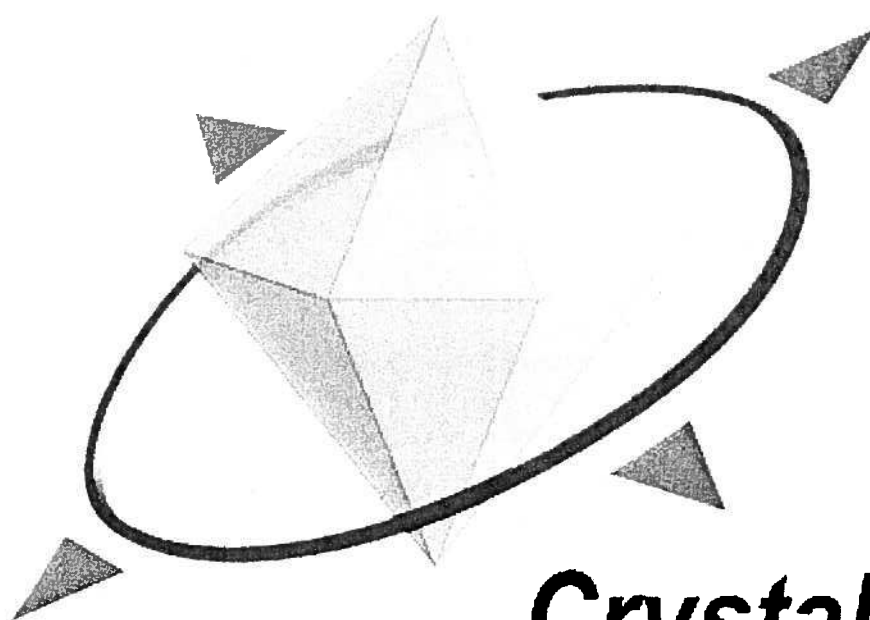
The colors gray and white appear in the diamond/crystal design. The color gray appears in the compass design. The wording "Crystal Compass" appears in black.

**Filing Date**

2006/06/02

**Examining Attorney**

FAIRBANKS, RON



# ***Crystal Compass***

**Print: Aug 20, 2008**

**78910190**

**DESIGN MARK**

**Serial Number**

78910190

**Status**

REGISTERED

**Word Mark**

OPTIMAL ADVANTAGE

**Standard Character Mark**

Yes

**Registration Number**

3321722

**Date Registered**

2007/10/23

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Freeland, Kevin P. INDIVIDUAL UNITED STATES 10509 Bluff Road Eden  
Prairie MINNESOTA 55347

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Providing business information and analysis in the field of demographics, consumer behavior, markets and/or measures or projections of consumer demand; commercial information agency services for the provision of business and/or consumer data to others; the analysis of business and/or consumer data, and consulting services related thereto, for the purpose of improving the effectiveness of business processes such as direct marketing, risk management, supplier management, and associated business processes. First Use: 2006/07/05. First Use In Commerce: 2006/07/05.

**Filing Date**

2006/06/16

**Examining Attorney**

FRYE, KIMBERLY

**Print: Aug 20, 2008**

**78910190**

**Attorney of Record**

Dean R. Karau



# OPTIMAL ADVANTAGE

**Print: Aug 20, 2008**

**78919300**

**DESIGN MARK**

**Serial Number**

78919300

**Status**

REGISTERED

**Word Mark**

ACTIVITYPOINT

**Standard Character Mark**

Yes

**Registration Number**

3239452

**Date Registered**

2007/05/08

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Knowledge Capital, Inc. CORPORATION CALIFORNIA 2993 Caminito Niquel  
San Diego CALIFORNIA 92117

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business consulting services related to corporate governance, compliance management, business risk management, and business process development. First Use: 2006/05/20. First Use In Commerce: 2006/05/20.

**Filing Date**

2006/06/28

**Examining Attorney**

KHOURI, SANI

ACTIVITYPOINT

**Print: Aug 20, 2008**

**78932450**

**DESIGN MARK**

**Serial Number**  
78932450

**Status**  
REGISTERED

**Word Mark**  
ALIGNED MANAGEMENT SOLUTIONS

**Standard Character Mark**  
Yes

**Registration Number**  
3455761

**Date Registered**  
2008/06/24

**Type of Mark**  
SERVICE MARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
Cattermole & Associates, LLC LIMITED LIABILITY COMPANY COLORADO 4909  
Pearl Street East, Suite 201 Boulder COLORADO 80301

**Owner**  
Kestrel Management Services, LLC LIMITED LIABILITY COMPANY WISCONSIN  
199 E. Badger Road, Suite 200 Madison WISCONSIN 53713

**Goods/Services**  
Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business  
management consulting and advisory services; business process  
re-engineering services; business risk management. First Use:  
2008/04/04. First Use In Commerce: 2008/04/04.

**Disclaimer Statement**  
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MANAGEMENT SOLUTIONS"  
APART FROM THE MARK AS SHOWN.

**Filing Date**  
2006/07/19

**Examining Attorney**

**Print: Aug 20, 2008**

**78932450**

HENRY, NAKIA

**Attorney of Record**

Craig A. Fieschko

# **ALIGNED MANAGEMENT SOLUTIONS**

**Print: Aug 20, 2008**

**78969408**

**DESIGN MARK**

**Serial Number**

78969408

**Status**

REGISTERED

**Word Mark**

ENJOY YOUR PRACTICE, ENJOY YOUR LIFE

**Standard Character Mark**

Yes

**Registration Number**

3261173

**Date Registered**

2007/07/10

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Attorney Consultant, Inc. CORPORATION OHIO Terminal Tower Suite 1420  
50 Public Square Cleveland OHIO 44113

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Advertising consultation; Business consulting and information services; Business consultation services; Business management consultation; Business management consulting and advisory services; Business management consultation in the field of executive and leadership development; Business organizational consultation; Consulting services in business organization and management; Consulting services relating to publicity; Consulting services in the field of human resources development, namely for the promotion of employee retention, career growth, and increased productivity for employees and employers; Marketing consulting; Personnel management consultation; Professional business consultation; Risk management consultation all for attorneys and law firms. First Use: 2005/10/00. First Use In Commerce: 2005/10/00.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Consultation

**Print: Aug 20, 2008**

**78969408**

services in the field of law firms and the provision of legal services; Consulting services in the field of office and workplace automation; Consulting services in the field of design of newsletters.  
First Use: 2005/10/00. First Use In Commerce: 2005/10/00.

**Filing Date**

2006/09/07

**Examining Attorney**

BUTLER, MIDGE

**Attorney of Record**

Lara Pearson



Enjoy your practice, Enjoy  
your life

---

**To:** KPMG LLP ([trademarks@sonnenschein.com](mailto:trademarks@sonnenschein.com))  
**Subject:** TRADEMARK APPLICATION NO. 77478386 - NINTH ELEMENT - 21604804-000  
**Sent:** 8/21/2008 4:01:17 PM  
**Sent As:** ECOM110@USPTO.GOV  
**Attachments:**

---

**IMPORTANT NOTICE**  
**USPTO OFFICE ACTION HAS ISSUED ON 8/21/2008 FOR**  
**APPLICATION SERIAL NO. 77478386**

Please follow the instructions below to continue the prosecution of your application:

**VIEW OFFICE ACTION:** Click on this link [http://tmpportal.uspto.gov/external/portal/tow?DDA=Y&serial\\_number=77478386&doc\\_type=OOA](http://tmpportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77478386&doc_type=OOA) (or copy and paste this URL into the address field of your browser), or visit <http://tmpportal.uspto.gov/external/portal/tow> and enter the application serial number to access the Office action.

**PLEASE NOTE:** The Office action may not be immediately available but will be viewable within 24 hours of this notification.

**RESPONSE MAY BE REQUIRED:** You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable response time period. Your response deadline will be calculated from 8/21/2008.

**Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.**

**HELP:** For *technical* assistance in accessing the Office action, please e-mail [TDR@uspto.gov](mailto:TDR@uspto.gov). Please contact the assigned examining attorney with questions about the Office action.

**WARNING**

- 1. The USPTO will NOT send a separate e-mail with the Office action attached.**
- 2. Failure to file any required response by the applicable deadline will result in**

the ABANDONMENT of your application.

# **EXHIBIT C**

Int. Cls.: 35 and 41

Prior U.S. Cls.: 100, 101, 102, and 107

**United States Patent and Trademark Office**

Reg. No. 3,262,307

Registered July 10, 2007

**SERVICE MARK  
PRINCIPAL REGISTER**

**9TH ELEMENT GROUP**

9TH ELEMENT GROUP LLC (CALIFORNIA LTD  
LIAB CO)  
6215 FERRIS SQUARE  
SUITE 210  
SAN DIEGO, CA 92121

FOR: PROVIDING BUSINESS ADVICE, IN CLASS  
35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 6-30-2005; IN COMMERCE 6-30-2005.

FOR: EDUCATIONAL AND ENTERTAINMENT  
SERVICES, NAMELY, ARRANGING AND CON-  
DUCTING EDUCATIONAL PROGRAMS; PROVID-  
ING COURSES OF INSTRUCTION, AND ONLINE  
EDUCATIONAL PROGRAMS AND SEMINARS,  
AND DISTRIBUTING COURSE MATERIALS IN  
CONNECTION THEREWITH; PROVIDING MOTI-  
VATIONAL AND EDUCATIONAL SPEAKERS AND  
PERSONAL COACHING SERVICES; DEVELOP-  
MENT AND DISSEMINATION OF EDUCATIONAL  
MATERIALS OF OTHERS; ARRANGING AND  
CONDUCTING LOCAL, REGIONAL, NATIONAL  
AND INTERNATIONAL EDUCATIONAL AND EN-  
TERTAINMENT EVENTS, NAMELY, CONDUCT-  
ING ON-LINE AND OFF-LINE EDUCATIONAL

AND ENTERTAINMENT PROGRAMS IN THE NAT-  
URE OF LEADERSHIP EDUCATION SEMINARS,  
ARRANGING AND CONDUCTING ONLINE, OFF-  
LINE AND LIVE CLASSES, INDIVIDUAL AND  
SMALL AND LARGE GROUP INSTRUCTION,  
SEMINARS, LECTURES, EDUCATIONAL CONFER-  
ENCES, EDUCATIONAL TELECONFERENCES,  
EDUCATIONAL CONFERENCES AND WORK-  
SHOPS; PROVIDING MOTIVATIONAL AND EDU-  
CATIONAL SPEAKERS, IN CLASS 41 (U.S. CLS. 100,  
101 AND 107).

FIRST USE 6-30-2005; IN COMMERCE 6-30-2005.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "GROUP", APART FROM THE  
MARK AS SHOWN.

SN 78-558,488, FILED 2-2-2005.

ANN E. SAPPENFIELD, EXAMINING ATTORNEY

# **EXHIBIT D**

**DISCLAIMER:** The information displayed here is current as of Feb 13, 2009 and is updated weekly. It is not a complete or certified record of the Limited Partnership or Limited Liability Company.

<b>LP/LLC</b>		
9TH ELEMENT GROUP, LLC		
<b>Number:</b> 200503610013	<b>Date Filed:</b> 2/1/2005	<b>Status:</b> canceled
<b>Jurisdiction:</b> CALIFORNIA		
<b>Address</b>		
6215 FERRIS SQ STE 210		
SAN DIEGO, CA 92121		
<b>Agent for Service of Process</b>		
JANET CLEMENTO		
11034 W OCEAN AIR DR #148		
SAN DIEGO, CA 92130		

Blank fields indicate the information is not contained in the computer file.

If the agent for service of process is a corporation, the address of the agent may be requested by ordering a status report. Fees and instructions for ordering a status report are included on the Business Entities Records Order Form.